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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,823	04/13/2004	Jonathan Doan	P130-US	5617
26148	7590	10/12/2005	EXAMINER	
REFLECTIVITY, INC.			BEN, LOHA	
350 POTRERO AVENUE			ART UNIT	
SUNNYVALE, CA 94085			PAPER NUMBER	
			2873	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,823

Applicant(s)

DOAN, JONATHAN

Examiner

Loha Ben

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004 and 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1084 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 9-16 and 18-65 is/are allowed.
- 6) ☒ Claim(s) 7, 8, 17 and 66-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0404; 0405</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Page 3, paragraph [0023], line 3, resulting" should be – result --; page 5, line 11 of paragraph [0029], "rotates" should be – rotated --; and pages 4-9, the words "degree" and/or "degrees" should be deleted, since the degree symbol "°" has already been given, otherwise the disclosure concerning the level of temperature, or the size of an angle, is redundant.

Claim Objections

Claims 50-85 should be renumbered to read as claims 49-84, respectively.
Dependent claim numbers should accordingly be corrected.

In claims 3, 13-15, 32-34, and 71-73 (originally, 72-74): line 2, "degrees" should be deleted.

In claims 23, 43, and 56 (originally, 57): line 4, "degrees" should be deleted.

In claim 1: line 2, "an" should be replaced with – a deformable – to provide antecedent basis for claims 23-25.

In claim 26: line 2, "an" should be replaced with – a deformable – to provide antecedent basis for claims 36 and 43-45.

In claim 46: line 2, "an" should be replaced with – a deformable – to provide antecedent basis for claims 56, 62 and 63 (originally, claims 57, 63 and 64, respectively).

In claims 4, 27, and 50 (originally, 51): line 4, "corresponds" should be – corresponding --.

In claim 6: line 1, after "wherein", -- the – should be inserted.

In claims 10 and 29: line 2, "comprising" should be – comprises --.

In claims 18-20, 38-40, and 53-55 (originally, 54-56): line 1, "the initial" should be replaced with – an initial --, otherwise "the initial amount" has no antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, 17, and 66-84 (originally, 67-85) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7 and 8, "x" has not been defined.

In claim 17: line 1, "the step of determining the particular time period" has no antecedent basis.

In claim 66 (originally, 67): line 2, "the micromirror" has no antecedent basis; line 4, "the deformable element" has no antecedent basis; and line 7, "the microstructure" has no antecedent basis.

In claim 68 (originally, 69): lines 2 and 3, "the third state" has no antecedent basis; and line 3, "the first deformed state" has no antecedent basis.

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In claims 71-73 (originally, 72-74): line 3, "the first deformed state" has no antecedent basis.

The remaining claims, depending from claim 66 (originally, 67), directly or indirectly, inherit the indefiniteness thereof.

Allowable Subject Matter

Claims 1-6, 9-16, and 18-65 are allowable.

Claim 66 (originally, 67) would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 7, 8, 17, and 67-84 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon to 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 8, 2005

A handwritten signature in black ink, appearing to read "Loh Ben", with a long horizontal stroke extending to the right.

Loh Ben
Primary Examiner